

Voting Conference Statement

STB Finance Docket No. 33697

NATIONAL RAILROAD PASSENGER CORPORATION—PETITION FOR DECLARATORY
ORDER—WEIGHT OF RAIL

Good morning Chairman Nober, Vice-Chairman Burkes, and Commissioner Morgan.

In a 1999 decision in this proceeding, the Board required Guilford Rail System to permit Amtrak to operate at speeds of up to 79 miles per hour over a Guilford line in New England, provided that Amtrak rehabilitate the line to a certain track modulus value. Track modulus is a measure of the vertical stiffness of the track.

In a 2001 decision, we ordered Guilford to allow Amtrak access to the line so it could test the track to determine whether it had been sufficiently rehabilitated. In that decision, we also found that Amtrak's chosen testing methodology was reasonable and practical.

Amtrak's testing demonstrated that 99.95% of the line had a sufficient track modulus value. Nevertheless, Guilford has not accepted the test results and has not allowed Amtrak to operate at up to Federal Railroad Administration (FRA) Class 4 speeds of 79 miles per hour. Therefore, in 2002 Amtrak asked the Board to rule that, in light of the test results, sufficient rehabilitation had been achieved and Guilford must allow Amtrak to operate over its line at FRA Class 4 speeds.

Guilford argues that the testing was unreliable and that its results are inaccurate. It further argues that Amtrak has not complied with the conditions of access that the Board

imposed.

In matters of rail safety, we give substantial deference to FRA, which has significant expertise, experience, and primary responsibility regarding railroad track safety standards. In July and October 2002 comments, FRA found that the testing was reasonable and that its results were accurate. Because FRA is satisfied with the testing process, the draft decision before you proposes that the Board accept the test results and order Guilford to permit Amtrak to operate at FRA Class 4 speeds. If Guilford has safety concerns regarding a specific section of track, FRA has jurisdiction to consider that issue.

Finally, the Board's goal in these proceedings has been to resolve matters related to line access and rehabilitation, and to allow safety issues to remain with FRA. Because this goal has been met, the draft decision before you also proposes that the Board end its involvement in the matter and discontinue this proceeding.

We would be happy to address any questions you might have.

Thank you.